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ATTORNEYS FOR FAIRBANKS CAPITAL CORP., as servicing agent for DLJ MORTGAGE CAPITAL, INC.

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

IN RE: §
GREGORY E. BINGHAM § Case No. 03-44675
§
SHENELL Y. BINGHAM §
§
DEBTOR(S) § Chapter 13
§
***** §
FAIRBANKS CAPITAL CORP., §
as servicing agent for DLJ MORTGAGE §
CAPITAL, INC. §
Movant §
§
V. §
§
GREGORY E. BINGHAM and §
SHENELL Y. BINGHAM Debtor(s) and §
DANIEL EMMETT OCONNELL, Trustee, §
Respondents §

**AGREED ORDER TERMINATING THE AUTOMATIC STAY OF
AN ACT AGAINST PROPERTY OF 11 U.S.C. § 362**

At HOUSTON, in said District, on the 8TH day of January, 2004 came on for docket call the Motion of for FAIRBANKS CAPITAL CORP., as servicing agent for DLJ MORTGAGE CAPITAL, INC., for Relief from the Automatic Stay of an Act Against Property of 11 U.S.C. § 362,

and it appearing that due notice of said Motion having been properly given, and Debtor having indicated their desire to surrender the Property to Movant, no answer or request for hearing thereon has been filed with the Court, and said Debtor through their counsel of record, having agreed that the stay should be terminated as requested. It is accordingly,

ORDERED that the automatic stay of 11 U.S.C. § 362 be, and same is hereby terminated with respect to FAIRBANKS CAPITAL CORP., as servicing agent for DLJ MORTGAGE CAPITAL, INC., its successors and assigns, and that certain real property more particularly described as follows:

LOT 20, BLOCK 9 OF GREENBRIAR COLONY TOWNHOUSES, A SUBDIVISION IN HARRIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 295, PAGE 79 OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS AND MORE COMMONLY KNOWN AS 15609 AIKEN LANE, HOUSTON, TEXAS 77032. ("PROPERTY")

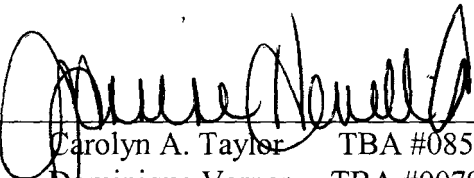
to enable FAIRBANKS CAPITAL CORP., as servicing agent for DLJ MORTGAGE CAPITAL, INC, its successors and assigns, to exercise any and all remedies available at law and under the applicable loan documents to repossess and/or foreclose its liens upon said Property.

IT IS FURTHER ORDERED that Debtor shall surrender the Property to Movant within sixty (60) days from the date of entry of this order.



Signed this 6 day of February, 2004.


UNITED STATES BANKRUPTCY JUDGE PRESIDING

APPROVED AS TO FORM AND SUBSTANCE:

By: 
Carolyn A. Taylor TBA #08526800/FIN 1290
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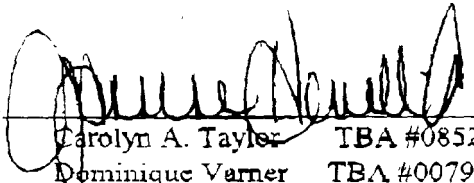
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ATTORNEY FOR DEBTOR


FROM HUGHES WATTERS & ASKANASE L. L. P.

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APPROVED AS TO FORM AND SUBSTANCE:

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